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FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			THAI, CUONG T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,646

Applicant(s)

ADAMS, DENNIS J.

Examiner

CUONG T THAI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June/15/2004 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) None is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

PART III FINAL ACTION

1. This action is responsive to Amendment filed on June/15/2004.
2. Claims 1-26 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgartner et al. (USPN: 5,642,171) hereinafter Baumgartner in view of Boezeman et al. (USPN: 6,188,396) hereinafter Boezeman.

As per claims 1 (method) and 10 (system), Baumgartner discloses a method of adjusting tempo of an audio recording to match audio events to video in an audio-visual recording as the technique of synchronization by adjusting audio tempo (see col. 12, line 41) to be a common starting point for the audio and video data (see col. 6, lines 34-35) in an audio-visual display (see col. 1, line 47), the method comprising:

Receiving a reference indicating a location in a recording signal, the reference being indicative of a desired audio change location in the recording signal is taught by Baumgartner as the technique of to be a common starting point for the audio and video data (see col. 6, lines 34-35 and see Fig. 6) in an audio-visual display (see col. 1, line

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47) wherein call preferably uses MCI interface commands. In step 512 the method calls the respective audio driver to determine the current audio position (see col. 13, lines 27-29). In step 518, the method determines if the audio is too far ahead of the video and if the audio is still playing. In the preferred embodiment the method determine if the audio is more than 5 frames ahead of the video in step 518. If the audio is determined to be too far ahead and is also playing in the step 518, then the method stops the audio in step 520 and then advances to step 522 (see col. 14, lines 1-7) wherein step 522 is audio paused and video caught up? (see Fig. 5).

Baumgartner also discloses the tempo being adjusted to fit the audio recording as the technique of the method adjusts the audio tempo to maintain synchronization (see col. 6, lines 60-61) or of the method of maintains synchronization by adjusting audio tempo (see col. 12, lines 40-41).

Baumgartner, however, does not disclose the limitation of providing a tempo for an audio to be at least partially included in the recording signal, the tempo to fit the audio recording to a section of the recorded signal marked by the reference.

Boezeman discloses the limitation of providing a tempo for an audio to be at least partially included in the recording signal, the tempo to fit the audio recording to a section of the recorded signal marked by the reference as the technique of a Sequence Editor which during the course of the animation, a pieces of audio is also played. At the simulation ending of the animation and audio, a video plays (see col. 6, lines 58-62 and see Fig. 3-17).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teachings of providing a tempo for an audio to be at least partially included in the recording signal, the tempo to fit the audio recording to a section of the recorded signal marked by the reference into that of Baumgartner's adjusted tempo invention. By doing so, the system would be enhanced by providing an **graphically editor** to an end user wherein the user can **graphically perform editing and synchronizing** audio and video as well as animation tool based on user's desired taste.

As per claim 15, due to mostly similarity of this claim to that of claim 1, except for a Central Processing Unit CPU and a storage device coupled to the CPU. The limitation of a Central Processing Unit CPU and a storage device coupled to the CPU is taught by Baumgartner as the CPU 102 and CD-ROM 140 coupled to CPU (see Fig. 1). This claim is therefore rejected for the reason as set forth above.

As per claim 21, Baumgartner discloses the limitation of a reference marker which is configured to be selectively located by a user, the reference marker being used to adjust the tempo of at least a portion of the first audio recording, the tempo adjustment being provided as the technique of **maintain synchronization by adjusting audio tempo** (see col. 12, line 41) **to be a common starting point for the audio and video data** (see col. 6, lines 34-35) in an audio-visual display (see col. 1, line 47), wherein call preferably uses MCI interface commands. In step 512 the method calls the

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respective audio driver to determine the current audio position (see col. 13, lines 27-29). In step 518, the method determines if the audio is too far ahead of the video and if the audio is still playing. In the preferred embodiment the method determine if the audio is more than 5 frames ahead of the video in step 518. If the audio is determined to be too far ahead and is also playing in the step 518, then the method stops the audio in step 520 and then advances to step 522 (see col. 14, lines 1-7) wherein step 522 is audio paused and video caught up? (see Fig. 5) and the method adjusts the audio tempo to maintain synchronization (see col. 6, lines 60-61) or of the method of maintains synchronization by adjusting audio tempo (see col. 12, lines 40-41).

Baumgartner, however, does not disclose the limitations of a first graphical display area on which graphical representations of a first audio recording can be displayed and a second graphical display area on which graphical representations of a second video recording can be displayed and to fit the first audio recording to a section of the second audio or video recording.

Boezeman discloses the limitations of a first graphical display area on which graphical representations of a first audio recording can be displayed and a second graphical display area on which graphical representations of a second video recording can be displayed and to fit the first audio recording to a section of the second audio or video recording as the technique of graphical channel 104 representations for Audio Play and graphical channel 106 representations for Video Play in Sequence Editor (see Figs. 2 and 10).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teachings of a first graphical display area on which graphical representations of a first audio recording can be displayed and a second graphical display area on which graphical representations of a second video recording can be displayed and to fit the first audio recording to a section of the second audio or video recording into that of Baumgartner's adjusted tempo synchronization invention. By doing so, the system would be enhanced by providing a graphically Sequence Editor to an end user wherein the user can **graphically perform editing and synchronizing** audio and video information as well as animation based on user desired taste.

As per claim 2 (method) and 16 (system), Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of wherein the reference is indicative of a time location in the recorded signal to coincide a musical event with a particular frame of video.

Boezeman discloses the limitation of wherein the reference is indicative of a time location in the recorded signal to coincide a musical event with a particular frame of video as the technique of below the time-line 84, are a plurality of visibility channels 102, 104, 106, 108 and 110 (see col. 6, lines 45-46) and the play tool 88 is dragged and dropped onto the show block 107, as indicated by a play icon 152 and a play area 153. As with the audio portion of audio player part 140 (see col. 7, lines 45-48 and see Fig. 8).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of wherein the reference is indicative of a time location in the recorded signal to coincide a musical event with a particular frame of video into that of Baumgartner invention. By doing so, the system would be enhanced by providing graphical tools to an end user wherein the end user can perform drag and drop technique for synchronizing audio event to video thumbnail.

As per claim 11, due to the similarity of this claim to that of claim 2, this claim is therefore rejected for the same reason applied to claim 2.

As per claim 3, Baumgartner discloses the invention substantially as claimed above. Baumgartner disclose the limitation of wherein the reference is indicative of a location in the audio recording to be synchronizing as the technique of synchronization by adjusting audio tempo (see col. 12, line 41) to be a common starting point for the audio and video data (see col. 6, lines 34-35) in an audio-visual display (see col. 1, line 47). Baumgartner, however, does not disclose time reference in the recorded signal.

Boezeman discloses time reference in the recorded signal as the technique of time line 84 (see col. 6, line 45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of time reference in the recorded signal into that of Baumgartner audio and video synchronization invention. By doing so,

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the system would be enhanced by providing more detail information in order to control synchronizing task.

As per claim 4, Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of providing a user interface via computing device for providing graphical representations of the recorded signal and audio recording to be at least partially included in the recorded signal;

Boezeman discloses the limitation of providing a user interface via computing device for providing graphical representations of the recorded signal and audio recording to be at least partially included in the recorded signal as the technique of Sequence Editor for providing graphical channel 104 representations for Audio Play and graphical channel 106 representations for Video Play Editor (see Figs. 2 and 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of providing a user interface via computing device for providing graphical representations of the recorded signal and audio recording to be at least partially included in the recorded signal into that of Baumgartner invention. By doing so, the system would be enhanced by providing an editor to an end user wherein the user can perform editing and synchronizing audio and video as well as animation to system user.

As per claim 5, Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of wherein the graphical

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representations include an audio waveform, wherein the user interface provides for the selective manipulation of characteristic of the audio waveform.

Boezeman discloses the limitation of wherein the graphical representations include an audio waveform, wherein the user interface provides for the selective manipulation of characteristic of the audio waveform as the technique of Audio waveforms (see Figs. 6 and 10) wherein the play tool 88 is dragged and dropped onto the visibility block 105 as indicated by a play icon 142 and a play area 143. Since a piece of audio plays for a finite period of time, the audio player part 140 can be seen to have an approximate duration of about 30 seconds (see col. 7, lines 32-36) and by selecting first the animation player area 131 and then the audio player area 143 and then the co-occur tool 70, it is ensured that the animation player part and the audio player part will start and stop simultaneously. Since the audio was only 30 seconds in length, the audio will obviously have to be replayed the 100 second length of the animation (see col. 7, lines 58-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of wherein the graphical representations include an audio waveform, wherein the user interface provides for the selective manipulation of characteristic of the audio waveform into that of Baumgartner invention. By doing so, the system would be enhanced by providing audio waveform graphical tool to an end user wherein the end user can manipulate audio waveform based on user's desired task.

As per claim 6, Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of selective manipulation provided by user interface includes providing for the increase in length of the audio waveform, thereby increasing the duration of the audio recording to be at least partially included in the recorded signal.

Boezeman discloses the limitation of selective manipulation provided by user interface includes providing for the increase in length of the audio waveform, thereby increasing the duration of the audio recording to be at least partially included in the recorded signal as the technique of wherein the play tool 88 is dragged and dropped onto the visibility block 105 as indicated by a play icon 142 and a play area 143. Since a piece of audio plays for a finite period of time, the audio player part 140 can be seen to have an approximate duration of about 30 seconds (see col. 7, lines 32-36 and see Fig. 6) and by selecting first the animation player area 131 and then the audio player area 143 and then the co-occur tool 70, it is ensured that the animation player part and the audio player part will start and stop simultaneously. Since the audio was only 30 seconds in length, the audio will obviously have to be replayed the 100 second length of the animation (see col. 7, lines 58-65 and see Fig. 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of selective manipulation provided by user interface includes providing for the increase in length of the audio waveform, thereby increasing the duration of the audio recording to be at least partially included in the recorded signal into that of Baumgartner invention. By doing so, the system would

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be enhanced by providing audio waveform graphical tool to an end user wherein the end user can manipulate by increasing or lengthening audio waveform based on user's desired task.

As per claims 7 (method) and 12 (system), Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of audio recording to be at least partially included in the recorded signal comprising receiving an indication of a beginning and an end of the audio recording segment.

Boezeman discloses the limitation of audio recording to be at least partially included in the recorded signal comprising receiving an indication of a beginning and an end of the audio recording segment as the technique of Sequence Editor for display Audio Play (see Fig. 6) and starting and ending time of the audio with respect to animation (see col. 8, lines 36-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of audio recording to be at least partially included in the recorded signal comprising receiving an indication of a beginning and an end of the audio recording segment into that of Baumgartner invention. By doing so, the system would be enhanced by providing more detail of timing information to an end user.

As per claims 8 (method) and 13 (system), Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation

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of displaying video thumbnails of video images in the recorded signal on a user interface, the user interface having time indications labeling the video thumbnails according to time appearance.

Boezeman discloses the limitation of displaying video thumbnails of video images in the recorded signal on a user interface, the user interface having time indications labeling the video thumbnails according to time appearance as the technique of Video Play thumbnail (see Figs. 7-16) and under time-line 84 (see page 6, line 45) for time indication labels.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of displaying video thumbnails of video images in the recorded signal on a user interface, the user interface having time indications labeling the video thumbnails according to time appearance into that of Baumgartner invention. By doing so, the system would be enhanced by providing more detail of timing information to an end user.

As per claims 9 (method) and 14 (system), Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of displaying audio representations of the audio recording to be at least partially included in the recorded signal, the audio representations being label with the time indication.

Boezeman discloses the limitation of displaying audio representations of the audio recording to be at least partially included in the recorded signal, the audio

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representations being label with the time indication as the technique of Audio Play thumbnail (see Figs. 5-16) and under time-line 84 (see page 6, line 45) for time indication labels.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of displaying audio representations of the audio recording to be at least partially included in the recorded signal, the audio representations being label with the time indication into that of Baumgartner invention. By doing so, the system would be enhanced by providing more detail of timing information to an end user.

As per claim 16, Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of the presentation device is configured to provide a graphical user interface, which presented portion of the recorded signal and the audio recording segment.

Boezeman discloses the limitation of presentation device is configured to provide a graphical user interface, which presented portion of the recorded signal and the audio recording segment as the technique of visual interface (see col. 10, line 4) for providing Sequence Editor for providing Audio Play and Video Play (see Figs. 5-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of presentation device is configured to provide a graphical user interface, which presented portion of the recorded signal and the audio recording segment into that of Baumgartner invention. By

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doing so, the system would be enhanced by providing more detail of timing information to an end user.

As per claim 17, Baumgartner discloses the limitation of an interface device configured to connect CPU with a network of computers as the technique of the audio and video data may be stored on media located in other computer systems that are connected to the computer system via a network (see col. 8, lines 30-33). This claim is therefore rejected for the reason as set forth above.

As per claim 18, the limitation of wherein the storage device having stored files containing video image information is taught by Baumgartner as the technique of CD-ROM 140 and a hard driver 142, as well as others. One or more of these mass storage devices store video and audio data, which is used during representation (see col. 8, lines 24-27). This claim is therefore rejected for the reason as set forth above.

As per claim 19, the limitation of wherein the CPU is configured to assign the provided tempo to the audio recording segment is taught by Baumgartner as the technique of the synchronization method of the present invention makes calls directly to the API of the audio and video drivers to obtain the necessary information and control tempo of one of the respective data streams to maintain synchronization (see col. 10, lines 2-6). This claim is therefore rejected for the reason as set forth above.

As per claim 20, the limitation of wherein the CPU is further configured to save file to the storage device, the file including information related to the video, the audio recording segment and the provided tempo is taught by Baumgartner as the technique of CD-ROM 140 and a hard driver 142, as well as others. One or more of these mass storage devices store video and audio data, which is used during representation (see col. 8, lines 24-27). This claim is therefore rejected for the reason as set forth above.

As per claim 22, Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of wherein the reference marker is a location marker indicating a measure location in the first audio recording.

Boezeman discloses the limitation of wherein the reference marker is a location marker indicating a measure location in the first audio recording as the technique of Audio play marker under time-line 84 (see Fig. 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of wherein the reference marker is a location marker indicating a measure location in the first audio recording into that of Baumgartner invention. By doing so, the system would be enhanced by providing more detail of timing information of audio information to an end user.

As per claim 24, Baumgartner discloses the invention substantially as claimed above. Baumgartner, however, does not disclose the limitation of wherein the reference marker is a time marker indicating a time location in the video recording.

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Boezeman discloses the limitation of wherein the reference marker is a time marker indicating a time location in the video recording as the technique of time-line marker 84 for reference mark of Video play (see Fig. 9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of wherein the reference marker is a time marker indicating a time location in the video recording into that of Baumgartner invention. By doing so, the system would be enhanced by providing more detail of timing information of video information to an end user.

As per claim 25, due to the similarity of this claim to the combination of claims 2 and 3, this claim is therefore rejected for the same reasons applied to claims 2-3.

As per claim 23, due to the similarity of this claim to the combination of claims 2 and 3, this claim is therefore rejected for the same reasons applied to claims 2-3.

As per claim 26, Baumgartner discloses the invention substantially as claimed above. While Baumgartner discloses the tempo adjustment is being performed as the technique of recording as the technique of the method adjusts the audio tempo to maintain synchronization (see col. 6, lines 60-61) or the method of maintains synchronization by adjusting audio tempo (see col. 12, lines 40-41). Baumgartner, however, does not disclose the limitation of wherein the tempo adjustment is performed

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using the reference marker in the video recording and a position of the first audio recording to which a user drags the reference marker.

Boezeman discloses the limitation of wherein the tempo adjustment is performed using the reference marker in the video recording and a position of the first audio recording to which a user drags the reference marker as the technique of synchronizing Video Play and video Play (see Fig. 8) and wherein the play tool 88 is dragged and dropped onto the visibility block 105 as indicated by a play icon 142 and a play area 143. Since a piece of audio plays for a finite period of time, the audio player part 140 can be seen to have an approximate duration of about 30 seconds (see col. 7, lines 32-36 and see Fig. 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teaching of wherein the tempo synchronizing is performed using the reference marker in the video recording and a position of the first audio recording to which a user drags the reference marker into that of Baumgartner's adjust tempo invention. By doing so, the system would be enhanced by providing graphically drag and drop operations for synchronizing video and audio interface to an end use.

5. Applicant arguments filed on June/15/2004 have been fully reconsidered, but they are not persuasive.

On the second paragraph of page 8, Applicant argues that " First, Baumgartner et al. is inoperable with Boezeman et al. ". The Examiner, however, does not agree to this

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argument since Baumgartner discloses a method for synchronizing audio and video data streams in a computer system during a multimedia presentation, while Boezeman discloses a method for synchronizing a plurality of parts of multimedia on a computer system including absolute time, relative time and event time. Thus, Baumgartner et al. and Boezeman et al. references would be working together in terms of time-based synchronizing in order to synchronize multimedia streams on the computer system based on time expression.

On the last paragraph of page 9, Applicant argues that "There is no motivation to combine Baumgartner et al. with Boezeman et al.". The Examiner, however, does not agree to this argument since the Examiner already indicated that "It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman's teachings of providing a tempo for an audio to be at least partially included in the recording signal, the tempo to fit the audio recording to a section of the recorded signal marked by the reference into that of Baumgartner's adjusted tempo invention. By doing so, the system would be enhanced by providing a **graphically editor** to an end user wherein the user can **graphically perform editing and synchronizing** audio and video as well as animation tool based on user's desired taste".

On the first paragraph of page 10, Applicant argues that "there is no motivation to combine Baumgartner et al. with Boezeman et al. because each described invention is

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complete and functional without the other". The Examiner, however, does not agree to this argument because Baumgartner does not disclose of a computer system including absolute time, relative time and event time for synchronizing during the tempo being adjust while Boezeman discloses above features. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Boezeman teaching into that of Baumgartner's invention. Thus, the system would provide an intuitively and graphically synchronizing tool to its end user.

On the second paragraph of page 12, with respect to claims 1, 10, 15 and 21; Applicant argues that " Thus, Boezeman et al. teaches away from "the tempo being adjusted to fit the audio recording to a section of the recording signal marked by the reference" and "there is no suggestion or teaching in Boezeman et al. of performing the operation of the tempo being adjusted to fit the audio recording to a section of the recording signal marked by the reference".

The Examiner, however, does not agree to this argument since while Baumgartner discloses the limitation of the tempo being adjusted to fit the audio recording as the technique of the method adjusts the audio tempo to maintain synchronization (see col. 6, lines 60-61) or of the method of maintains synchronization by adjusting audio tempo (see col. 12, lines 40-41). Baumgartner lacks of providing a tempo for an audio **to be at least partially included in the recording signal.**

Boezeman, on the other hand, discloses the limitation of providing a tempo for an audio to be at least partially included in the recording signal, the tempo to fit the audio

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recording to a section of the recorded signal marked by the reference as the technique of a **Sequence Editor** which during the course of the animation, a pieces of audio is also played. At the simulation ending of the animation and audio, a video plays (see col. 6, lines 58-62 and see Fig. 3-17). Specially, the synchronization of the audio and animation via the co-occur tool in an implementation of specifying both the starting and ending time of the audio with respect to the animation. The synchronization of the video and animation via the meet tool is an implementation of specifying the starting of the video with respect to the ending time of the animation (see Boezeman's col. 8, lines 34-40). **Thus by using Boezeman's graphically Sequence Editor as reference mark; Audio, Video, Animation, Events, and Images can be synchronized with respect to starting time and ending time which allows the developer a great deal of flexibility. The sequence editor, in turn, would provide for the developer a view of the multimedia events from the perspective of its time structure as opposed to available data flow or user interface perspective.**

On the third paragraph of page 13, Applicant argues that " Adjusting the audio tempo to maintain synchronization is not adjusting the tempo to fit the audio recording to a section of the record signal". The Examiner, however, does not agree to this argument and for better clarification, **the audio tempo being adjusted to maintain synchronization is part of multimedia of the record signal.** Thus, adjusting the audio tempo to maintain synchronization is adjusting the tempo to fit the audio recording to a section of the record signal.

On the last paragraph of page 13, Applicant argues that “ synchronizing audio and video with respect to starting time and ending times is not adjusting the tempo being to fit audio recording to a section of the recorded signal”. The Examiner, however, does not agree to this argument since audio and video are parts of multimedia, thus synchronization of audio and video with respect to starting time, duration of time, and ending time is adjusting the tempo being to fit audio recording to a section of the recorded signal.

On the second paragraph of page 14, Applicant argues that “ Neither Baumgartner et al. nor Boezeman et al. disclose, suggest, or teach “ providing a tempo for an audio recording to be at least partially included in the recorded signal, the tempo being adjusted to fit the audio recording to a section of the recording signal marked by the reference”. As a result, Baumgartner and Boezeman fail to disclose, suggest, or teach all of the limitations of claims 1-26”. The Examiner, however, does not agree to this argument for the reasons as set forth above since while Baumgartner discloses the limitation of the tempo being adjusted to fit the audio recording as the technique of the method adjusts the audio tempo to maintain synchronization (see col. 6, lines 60-61) or of the method of maintains synchronization by adjusting audio tempo (see col. 12, lines 40-41). Baumgartner lacks of providing a tempo for an audio **to be at least partially included in the recording signal**.

Boezeman, on the other hand, discloses the limitation of providing a tempo for an audio to be at least partially included in the recording signal, the tempo to fit the audio recording to a section of the recorded signal marked by the reference as the technique of a **Sequence Editor** which during the course of the animation, a pieces of audio is also played. At the simulation ending of the animation and audio, a video plays (see col. 6, lines 58-62 and see Fig. 3-17). Specially, the synchronization of the audio and animation via the co-occur tool in an implementation of specifying both the starting and ending time of the audio with respect to the animation. The synchronization of the video and animation via the meet tool is an implementation of specifying the starting of the video with respect to the ending time of the animation (see Boezeman's col. 8, lines 34-40). **Thus by using Boezeman's graphically Sequence Editor as reference mark; Audio, Video, Animation, Events, and Images can be synchronized with respect to starting time and ending time which allows the developer a great deal of flexibility. The sequence editor, in turn, would provide for the developer a view of the multimedia events from the perspective of its time structure as opposed to available data flow or user interface perspective.**

Conclusion

6. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE**

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FINAL even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (571) 272-4056. The examiner can normally be reached on 8:00 am - 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CUONG T THAI
Examiner
Art Unit 2173

October/29/2004



JOHN CABECA 10/1/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100